

Carla D. Macaluso, Esq. (Bar ID No. 018141996)  
JACKSON LEWIS P.C.  
200 Connell Drive, Suite 2000  
Berkeley Heights, NJ 08922  
(908) 795-5200  
Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

STEHLE HARRIS and DAVID ELLIOT, individually and on behalf of all others similarly situated,	)	)
	)	Civil Action No. 2:20-cv-02202
	)	(MCA)(MAH)
	)	
Plaintiffs,	)	) Honorable Madeline Cox Arleo
	)	) United States District Judge
v.	)	)
EVONIK CORPORATION, PRESIDENT OF EVONIK CORPORATION, BOARD OF DIRECTORS OF EVONIK CORPORATION, EVONIK INVESTMENT COMMITTEE, and JOHN DOES 1-30.	)	) Honorable Michael A. Hammer
	)	) United States Magistrate Judge
	)	) CLASS ACTION
	)	) <b><u>ORAL ARGUMENT REQUESTED</u></b>
Defendants.	)	)

**NOTICE OF MOTION FOR DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE** that on March 4, 2024 or as soon thereafter as counsel may be heard, Defendants Evonik Corporation (“Evonik”), the President of Evonik, the Board of Directors of Evonik, and the Evonik Investment Committee (collectively, “Defendants”), by and through its undersigned counsel, will move this Court at the Martin Luther King Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102 for summary judgment under Federal Rule of Civil Procedure 56.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Defendants rely on the Brief in Support of Defendants’ Motion for Summary Judgment, the Statement of Undisputed Material Facts in Support of Defendants’ Motion for Summary Judgment, the Declarations of

Christopher Rowlins, Stacey C.S. Cerrone and Randy Cherkis and the accompanying exhibits submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that, per the stipulated briefing schedule entered in this matter, Plaintiffs shall file and serve their opposition paper, if any, by November 2, 2023, and Defendants shall file and serve their reply papers, if any, by November 17, 2023. ECF No. 85.

Dated: September 28, 2023

**JACKSON LEWIS P.C.**

s/ Carla D. Macaluso

Carla D. Macaluso  
200 Connell Drive, Suite 2000  
Berkeley Heights, NJ 07922  
Telephone: (908) 795-5200  
Facsimile: (908) 464-2614  
Carla.Macaluso@jacksonlewis.com

Stacey C.S. Cerrone\*  
Lindsey H. Chopin\*  
René E. Thorne\*  
Howard Shapiro\*  
601 Poydras Street, Suite 1400  
New Orleans, LA 70130  
Telephone: (504) 208-1755  
Facsimile: (504) 208-1759  
Stacey.Cerrone@jacksonlewis.com  
Lindsey.Chopin@jacksonlewis.com  
Rene.Thorne@jacksonlewis.com  
Howard.Shapiro@jacksonlewis.com

*Attorneys for Defendants*

\*Admitted Pro Hac Vice

**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2023, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

*s/ Carla D. Macaluso* \_\_\_\_\_

Carla D. Macaluso  
200 Connell Drive, Suite 2000  
Berkeley Heights, NJ 07922  
Telephone: (908) 795-5200  
Facsimile: (908) 464-2614  
Carla.Macaluso@jacksonlewis.com